

**REMARKS**

**I. Introduction**

In response to the final Office Action dated June 18, 2009, Applicants have amended claims 1 and 4 in order to further clarify the claimed subject matter and to overcome the § 112 rejections. Support for the amendments may be found, for example, in Figs. 4-6 of the drawings. No new matter has been added.

A Request for Continued Examination (RCE) is being filed concurrently with this Amendment.

For the reasons set forth below, Applicants respectfully submit that all pending claims are patentable over the cited prior art references.

**II. The Rejection of Claims 4 And 8 Under 35 U.S.C. § 102**

Claim 4 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Muller et al. (DE 3739675); and claims 4 and 8 as being anticipated by Wold (USP No. 2,364,334). Applicants respectfully submit that neither Muller nor Wold anticipates the pending claims for at least the following reasons.

With regard to the present disclosure, amended independent claim 4 recites an apparatus for removing dissimilar material comprising a seat unit on which the plastic product is placed, a punching unit having a blade unit configured to punch out the dissimilar material, and a working unit located lower than the seat unit and the blade unit and configured to move the blade unit down from an upper position relative to the seat unit. The apparatus also comprises a first guide unit disposed to be inclined beside the working unit, and arranged to guide the punched out

dissimilar material and a second guide unit disposed on the opposite side of the working unit from the first guide unit and to be inclined beside the working unit, and arranged to guide the punched out dissimilar material. The seat unit is arranged to be movable relative to the working unit in a plane which is perpendicular to a first direction in which the working unit moves the blade unit, and the first guide unit, the working unit and the second guide unit are aligned in a second direction which is parallel to the plane.

One feature of amended claim 4 is that the apparatus and method involve a configuration in which the seat unit 4 is arranged to be movable relative to the working unit 3 in a plane which is perpendicular to a first direction in which the working unit 3 moves the blade unit 2, and the first guide unit 8, the working unit 3 and the second guide unit 8 are aligned in a second direction which is parallel to the plane. In other words, the plane in which the seat unit 4 is movable is defined on the basis of the first direction in which the working unit 3 moves the blade unit 2, and the second direction is defined on the basis of the plane in which the seat unit 4 is movable.

For example, as shown in Fig. 3, the first direction is the z-direction, as shown by the direction in which the working unit 3 moves the blade unit 2, and the plane in which the seat unit 4 is movable is the plane perpendicular to that, i.e., the x-y plane, as shown in Fig. 4. Fig. 5 shows an example of the seat unit being movable in the x and y directions.

As a result of these features, the plastic product can be moved relative to the working unit 3 and the blade unit 2 freely, since the seat unit 4 is arranged to be movable relative to the working unit 3 in the plane which is perpendicular to a first direction in which the working unit 3 moves the blade unit 2. In addition, the dissimilar material punched out can be easily and reliably corrected via the first and second guide units 8, since the first guide unit, the working

unit and the second guide unit are aligned in the second direction (i.e., the y-direction) which is parallel to the plane (the x-y plane). This allows for the workability to remove dissimilar materials to be increased.

In contrast to amended claim 4, neither Muller nor Wold teach or suggest that the seat unit is arranged to be movable relative to the working unit in a plane which is perpendicular to a first direction in which the working unit moves the blade unit, and the first guide unit, the working unit and the second guide unit are aligned in a second direction which is parallel to the plane.

Anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed, either expressly or inherently in a prior art reference, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986). At a minimum, for the reasons set forth above, Muller and Wold do not disclose a seat unit arranged to be movable relative to the working unit in a plane which is perpendicular to a first direction in which the working unit moves the blade unit, and the first guide unit, the working unit and the second guide unit are aligned in a second direction which is parallel to the plane. Therefore, as it is apparent from the foregoing that Muller and Wold fails to anticipate amended claim 4 or any dependent claims thereon, Applicants submit that amended claim 4 is allowable and patentable over the prior art. As such, Applicants respectfully request that the § 102 rejection of claim 4 be withdrawn.

### **III. The Rejection of Claims 1, 6-7 And 9 Under 35 U.S.C. § 103**

Claims 1 and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wold (USP No. 2,364,334) in view of Muller (DE 3739675) and Yutaka (JP 2002-137225); claim 7 over Wold in view of Muller and Yutaka and further in view of Argiropoulos (USP No.

5,787,751); claim 9 over Wold in view of Argiropoulos; claim 10 over Wold in view of Argiropoulos and further in view of Hirose (USP No. 5,682,657); and claim 11 over Wold in view of Muller, Yutaka and Argiropoulos and further in view of Hirose.

As a preliminary matter, Applicants would point out that claims 10 and 11 were cancelled in the Amendment filed on September 18, 2009, which the Examiner indicated were entered. However, the pending Office Action states that claims 10 and 11 are currently pending. Applicants respectfully request correction of the record. Accordingly, the rejections of claims 10 and 11 are moot.

Amended independent claim 1 recites, in-part, a seat unit that is arranged to be movable relative to the working unit in a plane which is perpendicular to a first direction in which the working unit moves the blade unit, and the first guide unit, the working unit and the second guide unit are aligned in a second direction which is parallel to the plane.

This feature is identical to the feature of claim 4 discussed above. As indicated above, neither Wold nor Muller teach or suggest this feature. Moreover, Yutaka, Hirose and Argiropoulos do not, and are not relied upon to remedy this deficiency.

Yutaka discloses a guide unit arranged to guide labels punched out, but this guide unit is disposed under the actuator 114 (working unit) in a vertical direction. This working unit (114) is disposed above a blade unit (16) and a seat unit (44), and a guide unit and correction box are disposed under the seat unit (44). Therefore, Yutaka does not disclose the first guide unit disposed to be inclined beside the working unit, and the second guide unit disposed on the opposite side of the working unit from the first guide unit and to be inclined beside the working unit. In other words, Yutaka does not disclose and suggest that the seat unit is arranged to be movable relative to the working unit in a plane which is perpendicular to a first direction in

which the working unit moves the blade unit, and the first guide unit, the working unit and the second guide unit are aligned in a second direction which is parallel to the plane.

It is alleged that Argiropoulos teaches two opposing chutes which direct cut material to alternate stations. However, Argiropoulos does not disclose that the first and second guide units, and the working unit are aligned in a second direction which is parallel to the plane. As can be seen in Fig. 3, the cutting station 2 is arranged perpendicular to the direction of alignment of the first and second guides units 9 and 20 and the working unit 15.

In addition, as Hirose does not disclose first and second guide units arranged to guide punched out material, Hirose does not disclose and suggest that the first guide unit, the working unit and the second guide unit are aligned in a second direction which is parallel to the plane.

In order to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. As is clearly shown, at a minimum, Muller, Wold, Yutaka, Argiropoulos and Hirose do not disclose a seat unit arranged to be movable relative to the working unit in a plane which is perpendicular to a first direction in which the working unit moves the blade unit, and the first guide unit, the working unit and the second guide unit are aligned in a second direction which is parallel to the plane. Accordingly, Applicants submit that Muller, Wold, Yutaka, Argiropoulos and Hirose do not render claim 1 of the present disclosure obvious and as such, claim 1 is patentable and allowable over the cited prior art. Accordingly, Applicants respectfully request that the § 103(a) rejection of claim 1 be withdrawn.

**IV. All Dependent Claims Are Allowable Because The  
Independent Claim From Which They Depend Is Allowable**

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claims 1 and 4 are patentable for the reasons set forth above, it is respectfully submitted that all pending dependent claims are also in condition for allowance.


**V. Conclusion**

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication of which is respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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